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VIA ECF

Hon. Michael M. Baylson
U.S. District Judge
3810 United States Courthouse
601 Market Street, Philadelphia, PA 19106

Re: *Lontex Corporation v. NIKE, Inc.*, Case No. 18-cv-5623

Dear Judge Baylson:

We represent Defendant NIKE, Inc. in the above-referenced matter and submit this letter to advise the Court of an issue that has arisen and seeking the Court's guidance on how to resolve the issue.

On November 4, 2020, NIKE filed its Motion for Summary Judgment (ECF No. 191), Memorandum of Law (ECF No. 191-1), and Statement of Facts (ECF No. 192). Following NIKE's filing, Lontex raised an argument that, pursuant to Fed. R. Civ. P. 56(d), it requires additional discovery with respect to facts referenced in Paragraphs 181 and 182 of NIKE's Statement of Facts in order to oppose NIKE's motion. Although NIKE does not agree with Lontex's position, following the parties' meet and confer efforts, NIKE seeks to withdraw Paragraphs 181 and 182 from NIKE's Statement of Facts, as these facts are not material to NIKE's entitlement to judgment as a matter of law and were not relied upon in NIKE's Motion. NIKE also seeks to correct its Memorandum of Law at page 12, which contains a single erroneous citation to Paragraph 181 of the Statement of Facts (NIKE intended to cite to Paragraph 47 of the Statement of Facts).

NIKE respectfully requests the Court's guidance on the issue of whether NIKE (1) should file via ECF an Amended Statement of Facts and Corrected Memorandum of Law in support of its Motion for Summary Judgment as described above, (2) merely file replacement pages, or (3) whether this letter suffices. Without prejudice to its rights under Rule 56(d), Lontex does not oppose this letter.

If the Court has any questions regarding this issue or any other aspect of this matter, counsel remain available at the Court's convenience.

Respectfully,

Gina Durham

cc: Counsel of Record via ECF